

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Marie Assa'ad-Faltas *MD MPH*,)
)
Petitioner,)
) C/A No.: 1:13-cv-35-TLW
vs.)
)
State of South Carolina; City of Columbia,)
South Carolina,)
)
Defendants.)
)

ORDER

Plaintiff Marie Assa'ad-Faltas ("Plaintiff"), proceeding *pro se* and *in forma pauperis*, filed this habeas petition pursuant to 28 U.S.C. § 2254. (Doc. # 1). The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed on February 7, 2013 by Magistrate Judge Shiva V. Hodges, (Doc. # 11), to whom this case was previously assigned.. Plaintiff filed objections to the Report on February 25, 2013. (Doc. # 13).

In the Report, the Magistrate Judge recommends dismissing the case without prejudice and without issuance and service of process. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed,

in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Report. (Doc. # 11). The Plaintiff's objections are **OVERRULED**. (Doc. # 13). The Plaintiff's case is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 27, 2013
Florence, South Carolina